

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-35930 - APPLICANT: MOUNTAIN VIEW ESTATES -  
OWNER: JOHN HERDA**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to the conditions of Special Use Permit (SUP-4592).
2. All required building permits shall be obtained, fees paid, and final inspections approved within 30 days of final action.
3. This Special Use Permit shall be reviewed in Five (5) years at which time the City Council may require that the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
4. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
7. The Off-Premise Sign shall be removed upon the commencement of any new development on this site.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site contains a 40-foot tall, 10-foot by 40-foot Off-Premise Sign along with a 42,672 square-foot industrial building at 2744 Highland Drive. This is the first Required Review of the subject sign which is located on the western portion of the subject parcel adjacent to Highland Drive. If this request is denied, the subject sign must be removed and Special Use Permit (SUP-4592) will be expired.

**ISSUES**

- Staff cannot support the request, as the subject sign has not received a final inspection, and the permit has expired; therefore, staff is recommending denial. If approved, a condition has been added which will require all required building permits to be obtained, fees paid, and final inspections approved within 30 days of final action.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b>	
01/25/61	The City Council approved a Rezoning (Z-0062-60) from R-E (Residence Estates) to M-1 (Light Industry) on property generally located south of San Francisco Street between Highland Drive and Interstate 15.
10/06/04	The City Council approved a request for a Special Use Permit (SUP-4592) for a 40-foot tall, 10-foot by 40-foot Off-Premise Sign at 2744 Highland Drive. The Planning Commission and Staff recommended approval of the request.
11/16/05	The City Council approved a request for an Extension of Time (EOT-9680) of an approved Special Use Permit (SUP-4592) that allowed a 40-foot tall, 10-foot by 40-foot Off-Premise Sign at 2744 Highland Drive. The Planning Commission and Staff recommended approval of the request.
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the future land use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and Staff recommended approval of the request.
11/19/08	A Code Enforcement citation (#72083) was issued for graffiti on semi trailer at 2744 Highland Drive. The case was resolved on 11/20/08.
11/05/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #22/jb).
<b><i>Related Building Permits/Business Licenses</i></b>	
05/23/06	A Building Permit (#6003603) was issued for a 40-foot tall, 10-foot by 40-foot Off-Premise Sign at 2744 Highland Drive. This sign has not received a final inspection and the permit was expired on 11/26/06.

<b><i>Pre-Application Meeting</i></b>
A Pre-Application Meeting was not conducted nor was one required.
<b><i>Neighborhood Meeting</i></b>
A Neighborhood Meeting was not conducted nor was one required.

<b><i>Field Check</i></b>	
09/17/09	During a routine site inspection, staff observed a well maintained Off-Premise Sign.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.01 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Industrial Development	LI/R (Light Industry / Research)	M (Industrial)
North	Industrial Development	LI/R (Light Industry / Research)	M (Industrial)
South	Industrial Development	LI/R (Light Industry / Research)	M (Industrial)
East	Railroad	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Office	C (Commercial)	M (Industrial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Y
A-O (Airport Overlay) District – (175 Feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located within a public right of-way	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located within a M (Industrial) zoning district	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 400 square feet	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	The sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	The structural screening of the Off-Premise Sign does not require repainting to match the structural supports	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	There are no Off-Premise Signs located within 300 feet of the subject sign.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or "U" zoned districts.	There are no "R" or "U" zoned districts within 300 feet	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The billboard is permanently secured to the ground on a M (Industrial)zoned property.	Y

## **ANALYSIS**

This is the first Required Review of a previously approved Special Use Permit (SUP-4592) which allowed a 40-foot tall, 10-foot by 40-foot Off-Premise Sign at 2744 Highland Drive. During a field check of the site, staff found the sign and supporting structure in good condition. There has been no significant change in development or land use since the approval of Special Use Permit (SUP-4592). However, the subject sign has not received a final building inspection and the building permit has expired; therefore, staff is recommending denial of the subject Required Review.

## **FINDINGS**

This is the first review of an Off-Premise Sign that was constructed in 2006. The sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary zone. Since the subject sign has not received a final building inspection and the building permit has expired, staff is recommending denial of the subject Required Review.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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## **NOTICES MAILED**

64 by City Clerk

## **APPROVALS**

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## **PROTESTS**

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